

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELIZABETH D'ELIA, on behalf of herself and a)
Class ,

Plaintiff,

v.

FIRST CAPITAL, LLC; LAW OFFICE OF
KEITH S. SHINDLER, LTD; and KEITH S.
SHINDLER,

Defendant.

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) Case No.: 07-CV-6042
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) Judge: John W. Darrah
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) Magistrate Judge Cole
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PRELIMINARY APPROVAL ORDER

This matter coming before the Court on the Parties' Joint Motion for Preliminary Approval of a Class Settlement Agreement ("Agreement") between Plaintiff, Elizabeth D'Elia ("Plaintiff") and Defendants, First Capital, LLC ("First Capital"); Law Office of Keith S. Shindler, Ltd. ("Shindler Ltd."); and Keith S. Shindler ("Shindler")(collectively "Defendants") and notice to the class, the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The Court finds that the proposed Settlement and Release, the terms of which are fully set for the in the Agreement, is within the range of fairness and reasonableness and grants preliminary approval to it.

2. For the purposes of settlement, the parties stipulate to the certification of the class defined as follows:

- (a) All natural persons (b) whom had a lawsuit filed against them by SHINDLER LTD.
(c) on behalf of FIRST CAPITAL (d) in which attorneys' fees were sought (e) where said lawsuits were filed between October 25, 2006 to November 14, 2007.

The class described above includes approximately 161 persons. Edelman, Combs, Lattuner & Goodwin, LLC is appointed as class counsel.

3. A hearing on the fairness and reasonableness of the Agreement and whether final approval shall be given to it and the requests for fees and expenses by counsel for the class will be held before this Court on **December 11, 2008 at 9:00 a.m.**

4. The Court approves the proposed form of notice to the class, to be directed to the last known address of the class members as shown on Defendants' records. Defendants shall mail, or cause to be mailed, notice to class members on or before **October 18, 2008**. Defendants shall have the notice sent by any form of bulk mail that provides address forwarding mail to each address. Defendants shall re-mail any notice that is returned with a forwarding address. Defendants shall also cause the settlement checks to be distributed.

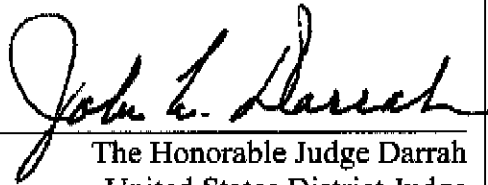
5. The Court finds that the mailing of the class notice is the only notice required and that such notice satisfies the requirements of due process and Fed. R. Civ. P. 23(c)(2)(B).

6. Class members shall have until **December 2, 2008** (45 days from initial mailing) to opt out or object to the proposed settlement. Any class members desiring to exclude themselves from the action must file their request for exclusion with the Clerk of the United District Court for the Northern District of Illinois, Eastern Division and serve copies of the request on counsel for both Plaintiff and Defendants by that date. Any class members who wish to object to the settlement must submit an objection in writing to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, and serve copies of the objection on counsel for Plaintiff and Defendants by that date. Any objection must include the name and number of the case and a statement of the reasons why the objector believes that the Court should find that the proposed settlement is not in the best interests of the class. Objectors who have filed written objections to the

settlement may also appear at the hearing and be heard on the fairness of the settlement.

DATE: 9-3-08

ENTER:


The Honorable Judge Darrah
United States District Judge